NOTES OF CASES.

ARMY—ENLISTMENT OF MINORS.—In the case of *Re Burns* (U. S. Circuit Court, Dist. Mass.), 87 Fed. 796, it is held that sec. 1117 Rev. St. U. S. prohibiting the enlistment of a minor "into the military service of the United States, without the written consent of his parents or guardians," applies as well to enlistment into the volunteer as to the regular army.

This statute is construed in *Morrissey* v. *Perry*, 137 U. S. 157, as intended for the benefit of the parent or guardian only, and not for the benefit of the infant. And it is held that by the enlistment there is a change in the status of the infant, and the contract is not voidable by him.

ANCILLARY RECEIVERS.—It is decided in *Union Trust Co.* v. *Atchison, &c. R. Co.*, 87 Fed. 530, that an ancillary receiver in Massachusetts of a Kansas railroad company, is not liable to an action in Massachusetts for a tort committed by the receivers of the railroad company in Kansas. This decision is based upon the ruling of the United States Supreme Court, in *Reynolds* v. *Stockton*, 140 U. S. 254, to the effect that a judgment against an ancillary receiver is binding only on the property in his custody as ancillary receiver, and hence, as the court decides, they are different legal persons. Being different legal persons, one cannot be sued for a tort committed by the other.

STATUTE OF LIMITATIONS—REPEAL.—In *McEldowney* v. *Wyatt* (W. Va.), 30 S. E. 239, the Supreme Court of Appeals of West Virginia decides that the legislature may repeal or extend the statute of limitations and revive remedies already barred, save that where title to property has already vested by virtue of the statute, it is beyond the power of the legislature to affect it by extending the statute or reviving the remedy, since this would be a deprivation of property without due process of law. The court cites several West Virginia decisions and *Campbell* v. *Haverhill*, 155 U. S. 610. We suspect the court intended to cite *Campbell* v. *Holt*, 115 U. S. 620—the leading case in the United States Supreme Court on this subject. The case actually cited is not authority for the proposition.

In *Strother* v. *Hull*, 23 Gratt. 652, 671, it was assumed that the "stay law" passed by the Virginia legislature after the civil war, suspending the running of the statute was not unconstitutional; so in *Sexton* v. *Crockett*, 23 Gratt. 857. The constitutionality of the stay law was expressly upheld in *Hill* v. *Rixey*, 26 Gratt. 72, and in *Johnston* v. *Gill*, 27 Gratt. 587—the court saying in the latter case, however (p. 595), that "it is very clear that when the bar of the statute has once attached the legislature cannot remove the bar by retrospective legislation."

It will be observed that this statement quoted, is contrary to the rule laid down by the West Virginia court in the case above cited, and by the Supreme Court of the United States in *Campbell* v. *Holt*, *supra*. The weight of authority is probably in favor of the rule stated by the Virginia court. See Wood on Lim. 41; Myers Vested Rights, 106–112, 328 *et seq*; *Girdner* v. *Stephens*, 1 Heisk. 280 (2 Am. Rep. 700); *Rockport* v. *Walden*, 54 N. H. 167 (20 Am. Rep. 131); *Moor* v. *Luce*, 29 Penn. St. 260; *Couch* v. *McKee*, 6 Ark. 484; *Lindsay* v. *Fay*, 28 Wis. 177.